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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 400, 94TH CONGRESS)

WASHINGTON, D.C. 20510

August 11, 1977

IN RESPONSE PLEASE
REPLY TO R# 9350

The Honorable Harold Brown
Secretary of Defense
The Pentagon
Washington, D.C. 20301

Attention: Ms. Deanne Siemer

Dear Dr. Brown:

Deanne Siemer and I have discussed a number of questions associated with S.1566, the Foreign Intelligence Surveillance Act of 1977. It would be helpful to me as Vice Chairman of the Subcommittee on Intelligence and the Rights of Americans of the Senate Select Committee on Intelligence if you could respond formally to a few of these questions before we reconvene on September 7.

Thank you very much for your assistance.

Sincerely,

Original Signed by
SENATOR JAKE GARN

Jake Garn

cc: Admiral Stansfield Turner
    Director of Central Intelligence
    Central Intelligence Agency
    Washington, D.C. 20505

    Attention: Mr. Tony Lapham

    The Honorable Griffin Bell
    Attorney General of the United States
    Department of Justice
    Washington, D.C.

QUESTIONS FOR SECRETARY OF DEFENSE
HAROLD BROWN RELATING TO S. 1566

1. In your opinion, does the present wording of this bill authorize the surreptitious entries which may be required for installing electronic surveillance devices if such were to be directed at a foreign power or its agents in order to obtain vital foreign intelligence information? Is any amendment or legislative history required to cover adequately or clarify this point?

2. What, if any, amendments or legislative history would be required to assure that neither the Vienna convention nor this legislation would impair this country's ability to continue our current embassy surveillance activities in order to obtain foreign intelligence information?

3. Should the bill be amended in any way to minimize the likelihood of the judges becoming targets of foreign intelligence surveillance by foreign powers?

4. What effects, if any, would the amendment which Admiral Inman proposed to the definition of foreign intelligence information have on other provisions of the bill?

5. In subsection (E) of the definition of "foreign intelligence information" (page 6), is not the phrase "of an intelligence service or network of a foreign power or an agent" unreasonably limiting?

6. Would the judges' ability to make the determination required by the bill be impaired if, for foreign power targeting, the certification did not require a designation of the type of surveillance to be used, but instead required a statement as to whether physical entry would be required to effect the surveillance?

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Executive Secretary
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Remarks:

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Executive Secretary
15 Aug
Date

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